



Dkt. 43966-CA-PCT-US/JPW/MAF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Graham P. Allaway, et al.

Serial No.: 09/412,284

Examiner: J. Parkin

Filed : October 5, 1999

Group Unit: 1648

For : METHODS FOR USING RESONANCE ENERGY TRANSFER-BASED
ASSAY OF HIV-1 ENVELOPE GLYCOPROTEIN-MEDIATED
MEMBRANE FUSION, AND KITS FOR PRACTICING SAME

1185 Avenue of the Americas
New York, New York 10036
October 25, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

PETITION FOR A FIVE-MONTH EXTENSION OF TIME

A final Office Action was issued September 11, 2001 in connection with the above-identified application. An "Amendment In Response to September 11, 2001 Office Action" was submitted on March 8, 2002, together with a Notice of Appeal From the Examiner's Decision To The Board of Patent Appeals and Interferences. The return postal cards submitted with the Amendment After Final and the Notice of Appeal were stamped by the Office with the date March 26, 2002 as the date of filing these papers. An Advisory Action concerning the application was thereafter mailed by the Office on April 8, 2002. Applicants Brief on Appeal was originally due on May 26, 2002, i.e., two months after receipt by the Office of the Notice of Appeal. Applicants hereby petition for a five-month extension of time, from May 26, 2002 to October 26, 2002. The fee for a five-month extension of time for a small entity is NINE HUNDRED EIGHTY DOLLARS (\$980.00) and a check covering this amount is enclosed. Accordingly, Applicant's

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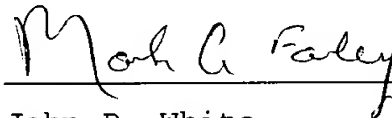
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submission pursuant to the Notice of Appeal filed on March 26, 2002 is now due on October 26, 2002.

Applicants are concurrently filing a Continued Prosecution Application ("CPA") under 37 C.F.R. §1.53(d) in connection with the subject application. With the filing of this Petition, the subject application is pending and the concurrently filed Continued Prosecution Application is co-pending herewith for purposes of 35 U.S.C. §120.

No fee, other than the enclosed \$980.00 fee for a five-month extension of time, is deemed necessary in connection with the filing of this Petition. However, should any other fee be required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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CPA/11600



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Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

**EXPRESS MAIL CERTIFICATE OF
MAILING FOR ABOVE-IDENTIFIED APPLICATION**

"Express Mail" mailing label number: EL 278 888 479 US

Date of Deposit: October 25, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Kermit V. Eubanks
Printed Name: Kermit V. Eubanks

Respectfully submitted,

Mark A. Farley

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